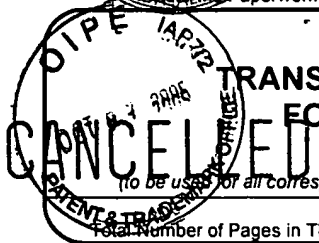
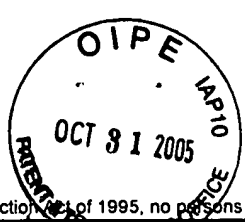
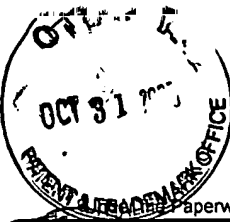


JFW



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|-------------------|
| Application Number | 10/708,953 |
| Filing Date | April 2, 2004 |
| First Named Inventor | Itzhak Bentwich |
| Art Unit | 1631 |
| Examiner Name | Not yet assigned |
| Attorney Docket Number | 06087.0201.CPUS04 |

Total Number of Pages in This Submission 27

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) <u>15</u> <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): replacement sequence listing, tables 1-11, and application too large for EFS submitted on 6 CDs (2 copies); CRF of sequence listing on CD (1 copy), Preliminary Amendment, Transmittal Sheet for Submission of CDs Pursuant to 37 CFR 1.52(3) 3.73(b); Statement Regarding Sequence Submission, Request for Corrected Filing Receipt, and return-receipt postcard. |
|--|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

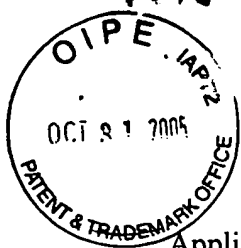
| | | | |
|--------------|----------------------------|----------|--------|
| Firm Name | Howrey LLP | | |
| Signature | | | |
| Printed name | Teddy C. Scott, Jr., Ph.D. | | |
| Date | October 25, 2005 | Reg. No. | 53,573 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|----------------------------|------|------------------|
| Signature | | | |
| Typed or printed name | Teddy C. Scott, Jr., Ph.D. | Date | October 25, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including



Attorney Docket No. 06087.0201.CPUS04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): I. Bentwich, et al.
App. No.: 10/708,953
Confirmation No.: 2952
Filing Date: April 2, 2004
Title: Bioinformatically Detectable Group of
Novel Regulatory Oligonucleotides
and Uses Thereof
Art Unit: 1631

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

10/25/05
Date


Teddy C. Scott, Jr., Ph.D.
Registration No. 50573

RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 25, 2005, the following are enclosed:

- Replacement compact disc (2 copies) of an application that was too large to be submitted under the EFS ePave process;
- Replacement sequence listing and tables on 6 compact discs (two copies) pursuant to §1.52(e);
- Replacement sequence listing in computer readable form pursuant to 37 C.F.R. §1.821(e);
- Statement Pursuant to 37 C.F.R. §1.825(a) and (b) (1 pg.);
- Copy of Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53(c) (2 pgs.);
- Transmittal Sheet for Submission of Compact Disc Pursuant to 37 C.F.R. §1.52(e) (2 pgs.);
- Preliminary Amendment (4 pgs.);
- One Month Extension of Time (2 pgs.);

- Request for Corrected Filing Receipt (7 pgs.);
- Fee Transmittal (1 pg.);
- Transmittal Letter (1 pg.); and
- Return receipt postcard.

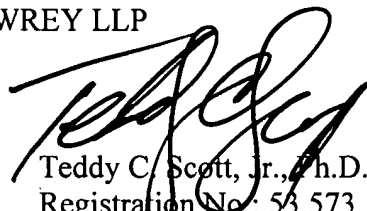
No other fees are believed to be due in connection with the filing of this document, however, should any additional fees be required, the Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 08-3038. This sheet is filed in duplicate.

Respectfully submitted,

HOWREY LLP

Dated: October 25, 2005

By:


Teddy C. Scott, Jr., Ph.D.
Registration No.: 53,573
Customer No.: 22930

HOWREY LLP
321 N. Clark Street, Suite 3400
Chicago, IL 60661
(312) 595-1239 (main)
(312) 846-5621 (direct)
(312) 595-2250 (fax)

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4181).

FREE TRANSMITTAL
for FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

| Complete If Known | |
|----------------------|-------------------|
| Application Number | 10/708,953 |
| Filing Date | April 2, 2004 |
| First Named Inventor | I. Bentwich |
| Examiner Name | Not yet assigned |
| Art Unit | 1631 |
| Attorney Docket No. | 06087.0201.CPUS04 |

TOTAL AMOUNT OF PAYMENT (\$60.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 08-3038 Deposit Account Name: Howrey Simon Arnold & White, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Small Entity Fee (\$) | Fee (\$) |
|---|-----------------------|-----------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| Total Claims | Extra Claims | Fee (\$) |
| - 20 or HP = 0 | x | = |
| HP = highest number of total claims paid for, if greater than 20 | | |
| Indep. Claims | Extra Claims | Fee (\$) |
| - 3 or HP = 2 | x | = |
| HP = highest number of independent claims paid for, if greater than 3 | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | /50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for a one month extension of time (small entity rate) \$60.00

SUBMITTED BY

| | | |
|---|---|--------------------------|
| Signature | Registration No. 53,573 (Attorney/Agent) | Telephone (312) 846-5621 |
| Name (Print/Type) Freddy C. Scott, Jr., Ph.D. | | Date October 25, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

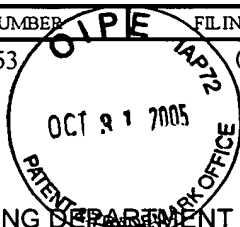


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/708,953 | 04/02/2004 | Itzhak Bentwich | 06087.0201.CPUS04 |

22930
 HOWREY LLP
 C/O IP DOCKETING DEPARTMENT
 2941 FAIRVIEW PARK DR, SUITE 200
 FALLS CHURCH, VA 22042-2924



CONFIRMATION NO. 2952

FORMALITIES LETTER



OC000000016598583

Date Mailed: 07/25/2005

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only a single copy of each disc was provided. A duplicate copy of each compact disc must be provided on Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

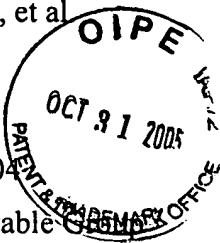
G. Negash

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): I. Bentwich, et al
 App. No.: 10/708,953
 Confirmation No.: 2952
 Filing Date: April 2, 2004
 Title: Bioinformatically Detectable
 of Novel Regulatory Oligonucleotides
 and Uses Thereof
 Art Unit: 1631



CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date

10/25/05

Date

Teddy C. Scott, Jr., Ph.D.
 Registration No. 53,573

TRANSMITTAL SHEET FOR SUBMISSION OF COMPACT DISC PURSUANT TO 37 C.F.R. §1.52(e)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are seven compact discs (2 copies of each) containing replacement copies of the sequence listing, tables of the application totaling more than 100 pages in length, and an application that was too large to be submitted under the EFS ePave process. The contents of the compact discs are as follows:

| File Name | Size | Date of File |
|---------------|------------|--------------|
| Disc 1 | | |
| Seq.txt | 342,240 KB | 09/28/2005 |
| Disc 2 | | |
| Table_1.txt | 35,429 KB | 03/31/2004 |
| Table_10.txt | 4,316 KB | 03/31/2004 |
| Table_11.txt | 37 KB | 03/31/2004 |
| Table_2.txt | 165,250 KB | 03/31/2004 |
| Table_3.txt | 2,838 KB | 03/31/2004 |
| Table_4.txt | 8,106 KB | 03/31/2004 |
| Table_5.txt | 3,049 KB | 03/31/2004 |
| Table_6.txt | 169,489 KB | 03/31/2004 |
| Table_7.txt | 268,107 KB | 03/31/2004 |

| | | |
|--|------------|------------|
| Disk 3 | | |
| Table_8_1.txt | 378,907 KB | 10/25/2005 |
| Disk 4 | | |
| Table_8_2.txt | 374,279 KB | 10/25/2005 |
| Disk 5 | | |
| Table_9_1.txt | 419,922 KB | 10/25/2005 |
| Disk 6 | | |
| Table_9_2.txt | 415,145 KB | 10/25/2005 |
| Disk 7 | | |
| EFS Submission originally submitted on April 2, 2004 | | |

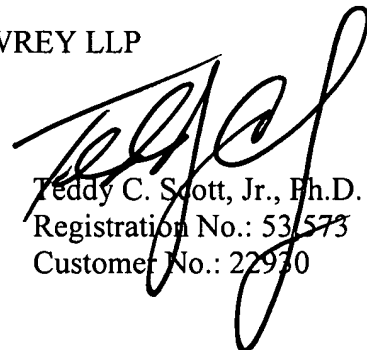
Pursuant to 37 C.F.R. §1.52(e)(4)(c), I hereby state that the two copies of the compact disc are identical.

Respectfully submitted,

HOWREY LLP

Dated: October 25, 2005

By:


Teddy C. Scott, Jr., Ph.D.
Registration No.: 53,573
Customer No.: 22930

HOWREY LLP
321 N. Clark Street, Suite 3400
Chicago, IL 60661
(312) 595-1239 (main)
(312) 846-5621 (direct)
(312) 595-2250 (fax)